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## NOTICE OF ALLOWANCE AND FEE(S) DUE

28120

7590

08/18/2009

ROPES & GRAY LLP  
PATENT DOCKETING 39/41  
ONE INTERNATIONAL PLACE  
BOSTON, MA 02110-2624

EXAMINER

NGUYEN, TRAN N

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 08/18/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,804	09/04/2003	Jonathan Helitzer	HSDO-P01-002	7117

TITLE OF INVENTION: SYSTEM FOR THE ACQUISITION OF TECHNOLOGY RISK MITIGATION INFORMATION ASSOCIATED WITH INSURANCE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	11/18/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** **Mail** **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
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**or Fax** **(571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

28120 7590 08/18/2009

**ROPES & GRAY LLP**  
**PATENT DOCKETING 39/41**  
**ONE INTERNATIONAL PLACE**  
**BOSTON, MA 02110-2624**

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/655,804 09/04/2003

Jonathan Helitzer

HSDO-P01-002

7117

**TITLE OF INVENTION: SYSTEM FOR THE ACQUISITION OF TECHNOLOGY RISK MITIGATION INFORMATION ASSOCIATED WITH INSURANCE**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	11/18/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
NGUYEN, TRAN N	3626	705-014000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_  
3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER

NGUYEN, TRAN N

ART UNIT

PAPER NUMBER

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DATE MAILED: 08/18/2009

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1099 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1099 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability****Application No.**

10/655,804

**Applicant(s)**

HELITZER ET AL.

**Examiner**

Tran Nguyen

**Art Unit**

3626

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communication filed 07/20/2009.
2. ☒ The allowed claim(s) is/are 55, 57-60, 65-66, 70, 109-121.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 02/17/2009
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/C. Luke Gilligan/  
Supervisory Patent Examiner, Art Unit 3626

**DETAILED ACTION**

***Notice to Applicant***

This communication is in response to the communication filed 07/20/2009.

Pending claim(s): 55, 57-60, 65-66, 70, 109-121. Cancelled claim(s): 1-54, 56, 61-64, 67-69, 71-108. New claim(s): 109-121. Amended claim(s): 55, 57-60, 65-66, 70.

***Response to Amendment***

As per the Office Action mailed 02/20/2009:

The objection to the amendment filed 12/03/2008 under 35 USC 132(a), the objection to the specification under 35 USC 112, first paragraph, and the rejection of claims 54-55, 57-60, 65-66, 70 are hereby withdrawn in view of Applicant's cancellation of claim 54 and the interview conducted on 04/30/2009.

***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 02/17/2009 is entered and considered by Examiner.

***Statutory Subject Matter - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

As per claim 109, based on Supreme Court precedent and recent Federal Circuit decisions, the Office's guidance to examiners is that a § 101 process must (1) be tied to a machine or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. *In re Bilski et al*, 88 USPQ 2d 1385 CAFC (2008); *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780,787-88 (1876).

An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a statutory process, the claim should positively recite the particular machine to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

In particular, although the "identifying" step in claim 109 does not require the particular of a statutory machine, this step is a nonessential step.

All remaining steps in claim 109 require the particulars of a statutory machine.

Therefore, claim 109 passes the "machine" prong of the "machine or transformation" test, and is found to be directed towards statutory subject matter.

All claims dependent thereon, namely claims 55, 57-60, 65-66, 70, are also found to be directed towards statutory subject matter for at least the same rationale above, and incorporated herein.

As per claims 110-121, these claims are also found to be directed towards statutory subject matter for at least the same rationale as applied to claims 55, 57-60, 65-66, 70, 109 above, and incorporated herein.

***Written Description - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

MPEP 2163(I)(B) reads as follows:

**"While there is no *in haec verba* requirement, newly added claim limitations must be supported in the specification through express, implicit, or inherent disclosure".**

MPEP 2163.02 reads as follows:

**"An applicant shows possession of the claimed invention by describing the claimed invention with all of its limitations** using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention. *Lockwood v. American Airlines, Inc.*, 107 F.3d 1565, 1572, 41 USPQ2d 1961, 1966 (Fed. Cir. 1997)".

Claim 109 recites:

- (a) identifying a plurality of SICS;
- (b) storing the SICS in a computer.

The specification as originally filed on 09/04/2003 discloses (page 26-27):

- 20     The process 400 selects and stores at least one SIC associated with the business for which the property is used. A plurality of SIC records corresponding to a plurality of SIC are stored in a database resident in a database means 250 and database means 270. Each of the SIC records are linked to underwriting guidelines (unshown) established and filed by the insurance carrier. These criteria include guidelines related to minimum premiums, hazard rating, underwriting authority, and referral criteria. The process 400 displays, on display 203, a plurality of candidate risk modifiers associated with one or more technologies that mitigate the risk of loss or hazards associated with the insurable
- 5     business property and the retrieves the SIC record for documenting and storing a selected risk modifier code and related underwriting criteria associated with the business property and associated policy. The process 400 develops the quotation using a detailed description of the insured's operation, the minimum premium information, the selected hazard code, the selected risk modifier code 405, and primary insurance limits.

According to the specification, a plurality of SIC-specific underwriting guidelines is stored in the computer.

Claim 109 further recites:

- (c) entering a request for a policy;
- (d) entering the SIC of the insured property.

The specification discloses (page 26):



In the next step 404, utilizing the input device 208, the user enters quotation information pertaining to the insured party for whom casualty insurance dependent upon the  
15 technology is to be underwritten. Such information typically includes, the name, address, telephone number of the insured party, the date the request for the quotation was received, a description of the insured's operation and the standard industrial codes ("SIC"), which are associated with the insured's business.

According to the specification, the user enters a policy request and a SIC for the insured property.

Claim 109 further recites:

- (e) collecting sensor data;
- (f) using the sensor data to underwrite the SIC-associated property to determine the insurable risk of the property.

The specification discloses (page 28):

In step 408, the process 400 retrieves from a first database 242 resident in database means 250 and 270, public bureau rating information. The present invention maintains a database, which contains a rating means for storing information relating to the potentially insurable risk, mitigated by a technology in the second database 246. In step 410, the rating associated with the insurance carrier, which will underwrite the casualty insurance being quoted, is compared against a predetermined minimum technology-rating threshold established by the carrier issuing the insurance quotation. The process 400 takes into account the risk modification in step 411 where a second risk modifier code 241 factors into the decision the effects of the mitigation of risk due to the incorporation of specific technology. Notably the risk modification code 241 may be determined by the actual use of the technology as assessed by the acquisition of sensor data 102(a) through 102(n). If, as a result of this comparison, the system 400 determines that the rating of the insurance carrier is below the predetermined threshold, the system proceeds to step 412, where the insurance underwriter may decline to issue a quotation or refer the submission to a managing authority for further consideration. If the user declines to issue the quotation in step 412, then the process 400 generates a declination letter, indicating that no quote will be submitted for the casualty policy dependent upon technology; otherwise, the system 400 proceeds to step 414 where the underwriter is typically required to document reasons for writing coverage that does not meet minimum underwriting criteria.

According to the specification, sensor data is collected and is used by the computer to determine if the property meets a particular system threshold. From this comparison, a decision to issue or deny the policy is made.

Claim 109 further recites:

(g) calculating the premium based on the SIC and the sensor data.

The specification discloses (page 27):

In step 405 a user retrieves a risk modifier code 240 developed from the analysis and determination of the mitigating effect a technology on the insured risks. The risk modifier code 240 is an actuarial function of the mitigation of risk due to the incorporation of specific technology. The risk modification value of the code 240 may be  
15 further modified by the actual use of the technology as assessed by the acquisition of sensor data 102(a) through 102(n).

According to the specification discloses using a modifier to adjust the premium calculation based on the technology.

The specification further discloses (page 29):

The loss or hazard mitigation technology and hazard rating instructions contain factors that are considered when associating a risk to a particular SIC. Based on risk mitigation  
10 technology and hazard rating information, the user selects one or more ratings for the quotation in step 418. The selected risk mitigation technology and hazard rating(s) are then stored in 419 in the system 200 databases, means 250, 270 as part of the computer file associated with the particular quotation.

According to the specification, the modifier is calculated based on the SIC of the property.

As such, the specification as originally filed provides full written description support for claim 109.

Support for all claims dependent thereon, namely claims 55, 57-60, 65-66, 70, may be found on at least page 25-28 of the specification.

As per claim 110, this claim is fully supported by the specification as originally filed for at least the same rationale as applied to claim 109 above, and incorporated herein.

Support for all claims dependent thereon, namely claims 111-121, may be found on at least page 25-28 of the specification.

***Allowable Subject Matter***

Claims 55, 57-60, 65-66, 70, 109-121 are allowed.

The following is an examiner's statement of reasons for allowance:

As per claim 109, the primary reason for allowance is the inclusion of the following limitations not found in the closest available prior art:

associating each SIC with a SIC-specific underwriting guideline in the computer;

collecting sensor data related to the property and storing the collected sensor data in the computer;

underwriting, using the computer, the property by applying the SIC-specific underwriting guideline associated with the selected SIC to the property and the stored sensor data to determine if the property is insurable or not insurable; and

calculating, by the computer, a premium for an insurance policy for the property based at least in part on the collected sensor data, wherein an effect of the collected sensor data on the calculating of the premium is determined based on the selected SIC.

The closest available prior art are as follows:

McMillan (5797134) teaches that conventional methods for determining costs of motor vehicle insurance involve gathering relevant historical data of the applicant by referencing the applicant's public motor vehicle driving record (column 1 line 13-18). McMillan further teaches using vehicle sensors to collect data concerning the operation of the vehicle to prospectively set the insurance rate (Abstract, column 5 line 36-45).

McMillan also teaches using sensors to detect the number of miles driven (column 5 line 19) and the location of night and work parking (column 4 line 50-54).

Nevertheless, McMillan does not teach applying SIC-specific underwriting guidelines. Instead, McMillan only teaches auto insurance, and at best provides a business surcharge (column 2).

Rejda (Principles of Insurance, mailed 09/03/2008) teaches:

calculating the premium based on:

- (a) the territory where the vehicle is principally used and garaged (page 229 column 2 paragraph 3);
- (b) the driving record (page 231 column 1 paragraph 1-3);
- (c) the basis of how the car is driven, comprising pleasure with a one-way mileage to work under three miles, drive to work with a per diem mileage of three to fifteen miles or more, business use, and farm use that is not driven to work or school (page 230 column 1 paragraph 4 Use of the Automobile).

Nevertheless, Rejda does not teach applying SIC-specific underwriting guidelines. Instead, McMillan only teaches auto insurance, and at best provides a business surcharge (column 2).

A search of foreign patents was also conducted; however, no relevant references were found.

All claims dependent thereon, namely claims 55, 57-60, 65-66, 70, are also allowed for at least the same rationale as applied to parent claim 109 above, and incorporated herein.

As per claims 110-121, these claims are also allowed for at least the same rationale as applied to claims 55, 57-60, 65-66, 70, 109 above, and incorporated herein.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran (Ken) N. Nguyen whose telephone number is 571-

270-1310. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:00 pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, C. Luke Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. N./  
Examiner, Art Unit 3626  
08/11/2009

/C. Luke Gilligan/  
Supervisory Patent Examiner, Art Unit 3626